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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

Donald Woolbright
NAME OF THE PLAINTIFF

- VS -

Patrick Donahoe,
Postmaster General,
US Postal Service

NAME OF THE DEFENDANT OR
DEFENDANTS (Enter above the full name(s) of
ALL defendant(s) in this lawsuit. Please
attach additional sheets if necessary.

Case No.

JURY TRIAL DEMANDED

YES ___ NO ☒

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

☐ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

☐ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

☒ American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

✓

Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq., for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

Other (Describe)

PARTIES

2. Plaintiff's name: Donald Woolbright

Plaintiff's address: 10 Benton Court
Street address or P.O. Box

0' Fallon St Charles Co, Mo. 63368
City/ County/ State/Zip Code

702-682-4720
Area code and telephone number

3. Defendant's name: Patrick Donahoe, Postmaster General, US Postal Service

Defendant's address: 1720 Market St.
Street address or P.O. Box

St. Louis St Louis Co, Mo. 63155
City/County/State/ Zip Code

800-275-8777
Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

401 Church Street O'Fallon, St Charles Co Mo 63366
(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

June 16, 2012

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

Yes Date filed: _____
✓ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

✓ Yes Date filed: August 14, 2012
_____ No

8. Have you received a Notice of Right-to-Sue Letter?

✓ Yes _____ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

_____ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

_____ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

☒ failure to hire me

☐ termination of my employment

☒ failure to promote me

☐ failure to accommodate my disability

☐ terms and conditions of my employment differ from those of similar employees

☐ retaliation

☐ harassment

☒ other conduct (specify): Being discriminated against by
allowing other employees that are non career tenured or non
veterans preference or lacking the experience that I have to
bid on city carrier routes by denying me the same.

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

11. I believe that I was discriminated against because of my (check all that apply):

☐ race

☐ religion

☐ national origin

☐ color

☐ gender

☒ disability

☐ age (my birth date is: _____)

☐ other: _____

Did you state the same reason(s) in your charge of discrimination?

☒ Yes

☐ No


12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

On June 16, 2012, I was hired by the US Postal Service as a rural letter carrier at the O'Fallon Post Office. I was not offered any other position. On June 17, 2012, I received a FAQ reminding employees that the post office needed city letter carriers and are offering the opportunity to be reassigned. These FAQ's were mailed out to postal employees in other crafts outside the letter carrier craft. The offer was to employees in the fields of clerks, motor vehicle, maintenance and craft employees. The letter stated that there was a greater

Need for city carriers than rural carriers. It should be noted that the O'Fallon Post office is in dire shortage of city carriers and that the carriers working at O'Fallon Post Office were being forcibly drafted for overtime and that city carrier route nine was allegedly vacant for two years, (I am working less than 20 hours a week) On June 29, 2012, I filed USPS forms 991 and 999 to be reinstated as a city letter carrier at the O'Fallon Post office. On

continued on next page

(Attach additional sheets as necessary).



July 15, 2012, I received PS form 50, notification of personnel action deeming me ineligible for career status. I received no other correspondence pertaining to my request. I was also blocked from bidding on any city routes per administration on www.liteblue.usps.gov. I then contacted EEO and on August 2, 2012 I received a notice from Stacy Buck dispute Resolution specialist notice to file formal complaint 4j-630-0103-12. MS Buck stated that management had no knowledge of my disability or that I had requested reinstatement. On August 9, 2012, I submitted a follow up letter to David Martin Gateway District Manager requesting he intervene and allow my reinstatement. On August 27, 2012, I received a letter from Pamela Meehan, manager Human Resources denying my request for reinstatement as a city letter carrier. On September 18, 2012, I received notice form Deborah Morley EEO service analyst acknowledgement and dismissal of amendment and of my right to file a civil action. The USPS is discriminating against me by refusing to allow me to be reinstated or to transfer or bid on any city routes while allowing other postal employees outside my office, some without career tenure, without veterans preference and without my city career experience. These employees were/are encouraged to bid on city routes at my office while not allowing me the same opportunity. I have over seventeen years as a city letter carrier with career tenure. I have veterans preference and submitted form SF-15 from the Veterans administration citing my civil service preference as a disabled veteran.

PS form SF-50 from the PO acknowledges my veterans preference.

Government handbook 315.401 "there is no time limit on the reinstatement eligibility of a preference eligible person who completed the service requirement career tenure." The Rehabilitation Act of 1973 cites Sections 501, and 503. Section 501 prohibits discrimination against individuals with disability in the federal section.

13. The acts set forth in paragraph 12 of this complaint:
are still being committed by defendant.

14. Additional Information:


I currently work at Ofallon Post Office. I am denied the right to bid on route 9 at the Ofallon Post Office. The postal service is allowing other employees without my experience without my veterans preference and without my tenure to bid on city routes as opposed to allowing me.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments; cite no cases or statutes.

I am requesting to be reinstated as a career city carrier regular, at the Ofallon Post office. My second preference is as a city carrier part time flex and the third option would be as a transitional employee. If I cannot be reinstated, I request to be transferred in the order previously cited. I am requesting back pay from the earliest date

Signed this 29th day of November, 2012.


Signature of Plaintiff